



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 12/18/01

AGENDA ITEM 6

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change Application No. PL 2001-0193, Rezoning to Planned Development (PD) District, Modification and 12-Month Extension of Tentative Map Tract 7040 – O’Neil Commons Development, LLC (Applicant/Owner) - Request to Modify an Approved 14-Unit Residential Condominium Subdivision into a Townhouse Subdivision including the Approval of a Planned Development (PD) District - The Property is Located at 24709 O’Neil Avenue, North of Orchard

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council rely on the previously adopted environmental document and adopt the attached redolution and ordinance approving the zone change and the 12-month extension of Tentative Map Tract 7040.

DISCUSSION:

The property is a 0.8-acre rectangular parcel, 125 feet wide and 290 feet deep. It is relatively flat with no structures and a few ornamental trees dispersed throughout the site.

On November 12, 1998, the City Council approved Site Plan Review (SPR) 98-130-11 and Tentative Tract Map 7040 allowing construction of 14 residential condominium units consisting of 5 three-story buildings. On November 2, 2000, the Planning Commission approved a 12-month extension of the tentative map. The applicant is now requesting a modification to allow the project to be developed as a “townhouse” subdivision, which he contends is more marketable than a “condominium”. On November 1, 2001, the Planning Commission recommended approval of the extension and the zone change.

The change from a condominium to a townhouse type project will not affect the project appearance or land use but it does change the way ownership is held. Lot lines would be created to match the footprint of each of the dwelling units and private yard areas. Because the resulting lot sizes (from 948 square feet to 1652 square feet) would not meet any minimum lot size established in the Zoning Ordinance, a zone change to Planned Development (PD) is requested to support the lot sizes. All minimum development standards are met with the exception of open space where generous individual yards and balconies were substituted for group space, which the Zoning Ordinance allows.

The following identifies the major differences between a condominium and a townhouse:

Condominium:

- Homeowners own and maintain only the interior space of a unit and a proportionate share of all improvements within the project (private open space can be assigned to each unit);
- The homeowners association owns all the land in the project and maintains all improvements within the project including the building exteriors;
- Allows for dwelling units to be stacked atop one another; and
- The developer is liable for construction defects in the project for 10 years after the units are sold.

Townhouse:

- Individual homeowners own the building the unit is in, the plot of land under the building, usually a small adjacent patio area, and a proportionate share of the remaining improvements within the project;
- It is a multiple lot subdivision consisting of the individual parcels under each unit and the common area;
- The homeowners association maintains all the common improvements within the project (the individual buildings may be maintained by the homeowner or the homeowners association depending on how the project maintenance is designed);
- Does not allow for stacked units because of individual ownership of the building and underlying land; and
- The developer has only limited liability for the project upon completion of the sale of the units.

Both types of subdivisions require the formation of a homeowners association and the creation of Conditions, Covenants and Restrictions (CC&R's).

The townhouse subdivision requires the tentative map to be modified from a one lot subdivision to a subdivision that creates a separate parcel for each unit and one common area parcel. The parcels for the units will be individually owned, while the common area parcel will be jointly owned by the 14 property owners. All other aspects of the tentative map remain the same.

The developer is requesting some minor changes to the to the floor plan of the units. They have added a second bathroom on the third floor so the master bedroom will have its own bathroom. There has also been some slight modification to window placements to conform to structural requirements. All of these changes are minor.

The Hayward Unified School District indicates that the proposed development would generate 10 additional students in grades K through 12. These students could be accommodated within the existing staffing level and classroom allocation according to the letter received from the school district.

The Subdivision Map Act allows for discretionary extension up to five years, and the map has now been approved for 3 years. Since the original approval date, there have been no zoning or policy changes in the area that would affect the way this project might be viewed.

CONCLUSION

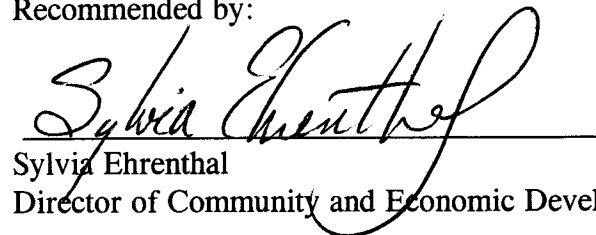
At the Planning Commission meeting, the Planning Commission concurred that the change in the type of ownership of the project would have no impact on its compatibility with the surrounding neighborhood or on the overall appearance or maintenance of the project. They felt the development would provide desirable ownership housing in this area of Hayward.

Prepared by:



Norman Weisbrod
Consulting Project Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:

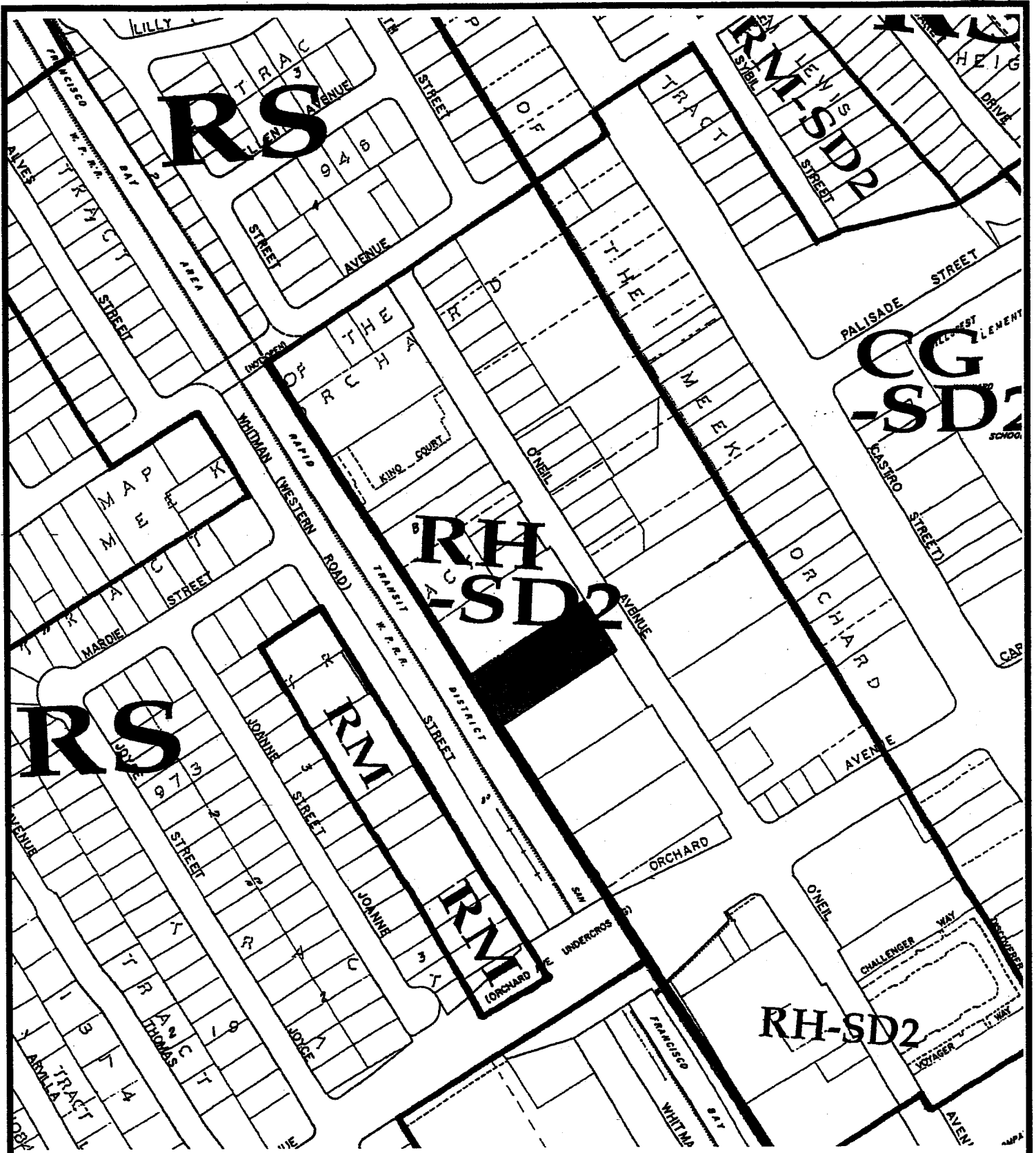


Jesús Armas, City Manager

Attachments:

- Exhibit A. Area Map
- Exhibit B. Minutes
- Exhibit C. Findings and Conditions of Approval, dated November 1, 2001
- Exhibit D. Negative Declaration adopted November 12, 1998
- Planned Development Plans
- Tentative Map Tract 7040
- Draft Resolutions

11/27/01



Area & Zoning Map

PL-2001-0193/TTM 7040

Address: 24709 O'Neil Avenue

Applicant: Federico O. Campos

Owner: O'Neil Commons Development, LLC

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers

Thursday, November 1, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

Commissioner Caveglia added that it is a small building used basically to service those who hit golf balls.

Commissioner Bogue offered a compromise to the substitute motion to eliminate only the part of condition 33 that requires a standard site built construction, thus leaving the requirement for materials and colors to be approved by the Planning Director.

Commissioner Sacks agreed to modify the substitute motion.

Chairperson Halliday said she did appreciate staff and their efforts to upgrade the quality of the project. However, this is a small structure for a particular purpose. She said that not matching exactly would not be that great a disparity.

Commissioner Sacks added that this relies on continuing efforts for top maintenance.

The motion passed 5:1:1, with Commissioner Bogue voting "No," and Commissioner Thnay absent.

3. **Zone Change No. PL 2001-0193, Planning and Zoning Development (PD) District, Modification and Twelve Month Extension of Tentative Map 7040 - O'Neil Commons Development, LLC (Applicant and Owner) - Request to Modify an Approved 14-Unit Residential Condominium Subdivision into a Townhouse Subdivision Including the Approval of a Planned Development (PD) District. The Project is Located at 24709 O'Neil Avenue**

Assistant Planner Koonze made a presentation of the project. He noted that the project is surrounded by single-family homes. He commented that the developer wished to modify the project by changing from a condominium air space type ownership to a townhouse subdivision where each building and a small piece of land is individually owned. There would be no change in the appearance of the project. The project conformed to the General and Neighborhood plans. Staff encouraged the Planning Commission to recommend that Council approve the zone change to planned development and a 12-month extension of the existing tentative map.

Commissioner Caveglia asked how the owner benefits by changing from a condominium to a townhouse other than no longer having 10-years of responsibility.

Planning Manager Anderly added that it would relieve them of some of the liability. She noted that with a condominium, each person owns 1/14th of everything.

Assistant Planner Koonze noted that there will be easements to maintain the common areas.

The public hearing opened at 8:40 p.m.

Dev Keeno, the applicant, said that most of the reasons have been stated for changing the proposal to townhouses.

The public hearing closed at 8:42 p.m.

Commissioner Sacks moved, seconded by Commissioner Williams, to approve the staff recommendation to the City Council. The motion passed unanimously.

4. Zone Change No. PL-2001-0300 and Tentative Tract Map No. 7261 - Mohammad Shaiq for Samah Construction, Inc. (Applicant/Owner) - Request to Subdivide a 22,650-square-foot Parcel to Allow the Construction of 7 Townhouses, and Change the Zoning From Commercial Office District to Planned Development District. The Project is Located at 28422 East 11th Street in a Commercial Office (CO) Zoning District (continued at the request of the applicant)

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Anderly gave the schedule for upcoming meetings. She noted that there would be no meeting until Nov. 29, which would be a work session, and a meeting. She said they would be looking at the General Plan and the Environmental Document. Dec. 6 meeting as well.

Commissioner Sacks commented that that same night is "Light Up the Season." She said she hoped that staff would adjust the schedule to include time for this celebration as well.

4. Commissioners' Announcements, Referrals

Chairperson Halliday announced that Sunday, November 11, an Interfaith service was scheduled to be held at Centennial Hall. She also commented on the Revolution Conference in San Francisco on November 29th, and 30 through Dec. 2nd. She suggested that it would be an interesting conference that perhaps a member might like to attend.

Planning Manager Anderly noted that one of the mobile workshops would be held here at the City.

MINUTES

- September 20, 2001 (as corrected) Approved.

ADJOURNMENT

The meeting was adjourned by Chairperson Halliday at 8:48 p.m.

FINDINGS OF APPROVAL

**ZONE CHANGE APPLICATION NO. 2001-0193
O'Neil Commons Development, LLC (Applicant and Owner)
24709 O'Neil Avenue**

Findings for Approval – Request for approval of a preliminary development plan for fourteen single-family homes on individual lots:

- A. A Mitigated Negative Declaration document was certified for the original approval pursuant to CEQA Guidelines. Since this project involves only minor changes and environmental conditions have not changed, no further CEQA action is necessary.
- B. The development is in substantial harmony with the surrounding area and conforms to the General Plan, the Mission-Foothills Neighborhood Plan and applicable City policies by providing housing opportunities and enhancing neighborhood quality.
- C. Existing and proposed streets and utilities will be adequate to serve the development.
- D. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.
- F. The modifications to the project are in substantial conformance with the Site Plan Review (SPR-98-130-11), the original approval for the project.
- G. Any latitude or exception (s) to development regulations or policies is adequately offset or compensated by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The project provides attractive ownership housing with adequate parking for residents and guests and private open space for the enjoyments of the residents.

CONDITIONS OF APPROVAL

ZONE CHANGE APPLICATION NO. 01-120-02
O'Neil Commons development, LLC (Applicant and Owner))
24709 O'Neil Avenue

General

1. The approval of this site plan review application is tied to the approval of Tentative map Tract 7040. No building permit shall be issued for any structure within this application until City Council has approved the Final Map and said Map is recorded with the county. All Conditions of Approval for Tentative Map Tract 7040 shall apply to this application as well.
2. Prior to final inspection/occupancy, conditions of approval shall be completed to the satisfaction of the Director of Community and Economic Development/ Planning Director.
3. Revised plans that are to the satisfaction of the Director of Community and Economic Development/Planning Director shall indicate modifications as required by the conditions of approval and shall be submitted for approval prior to the issuance of a building permit.
4. Changes to the approved colors and materials shall be reviewed and approved by the Director of Community and Economic Development/Planning Director
5. Open parking spaces shall not be used for recreational vehicles, camper shells, boats, or trailers. Vehicles parked contrary to this provision shall be removed by the project homeowners association. This requirement shall be reflected in the CC&Rs of the homeowner association.
6. Each unit garage shall be equipped with an automatic garage door opening mechanism.
7. A minimum of three open parking stalls on site shall be marked and maintained for visitor's parking.
8. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. This requirement shall be incorporated into the project's CC&R's.
9. The tree well shown on the site plan and conceptual landscape plan within the street section between buildings 1 and 2 and buildings 3 and 4 shall be deleted.
10. Additional decorative stamped concrete pavement shall be provided within the private street in the general area between buildings 3 and 4 and/or between buildings 1 and 2 and O'Neil Avenue. The Planning Director shall approve the location of the decorative pavement.
11. Roofing material shall be concrete or clay mission barrel tile.

23. Landscape improvements shall be installed according to the approved plans prior to the issuance of a Certificate of Occupancy. A Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
24. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.
25. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
26. Mechanical equipment, such as air conditioners, shall be prohibited on the roof.
27. Each unit shall have and maintain a minimum of 90 cubic feet of storage area as required by the Zoning Ordinance. The Planning Director shall approve the location and design of the storage area.
28. The final map shall be filed and approved by the City and in the County Records Office prior to the issuance of a certificate of occupancy of any home.

Fences and Walls

29. Fencing enclosing the patio yards within the front yard setback area and fronting on O'Neil Avenue shall not exceed 4 feet in height and shall be constructed of masonry or stucco material. The design shall reflect the architecture of the residential buildings and comply with the SD-2 requirements..
30. A 6-foot-high solid board fence shall be placed along the northerly and southerly property boundaries and between private yard areas of townhomes. A decorative 8-foot-high solid masonry or concrete wall shall be constructed on the westerly property line and within the 20-foot return of the property lines along the northerly and southerly property boundaries. The wall design is subject to the approval of the City of Hayward Director of Community and Economic Development/Planning.

Utilities

31. Each dwelling unit shall be individually metered for water and have a separate sanitary sewer lateral connection to an 8 inch public main within the tract. The construction plans shall indicate the location of the sewer laterals and water services (including meter locations).

Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.

46. The project plan measures shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

During Construction

47. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
48. During construction the contractor shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets; shall hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more); enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); install sandbags or other erosion control measures to prevent silt runoff to public roadways; and replant vegetation in disturbed areas as quickly as possible.
49. Violation of these conditions is cause for revocation of the Site Plan Review application and subject to a public hearing before the City Council.

**FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7040
14 CONDOMINIUM UNITS
24709 O'Neil Avenue**

Based on the public hearing record, the Planning Commission finds as follows:

- A. The tentative tract map, as conditioned, has been found to be in substantial conformance with the project reviewed under the previously certified Negative Declaration, which reflects the independent judgment of the Planning Commission.
- B. The tentative tract map, including the 12-month extension, and the proposed site plan substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Mission-Foothills Neighborhood Plan.
- C. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
- D. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
- E. None of the findings set forth in Section 66474¹ of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
- F. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
- G. The site is physically suitable for the proposed type of development, and upon implementation of the proposed conditions of approval, the streets and utilities would be adequate to serve the development.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7040**

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code (Chapter 10, Article 3, and Standard Specifications and Details) unless otherwise indicated.

In addition to the City of Hayward Standard Specifications and Details, the following requirements and conditions apply:

PRIOR TO THE RECORDATION OF THE FINAL MAP

Dedications and Easements

1. The final map shall include an irrevocable offer of dedication to the City of Hayward for O'Neil Avenue, based on a 68-foot-wide standard.
2. The final map shall include an irrevocable offer of dedication to the City of Hayward, for a 6-foot-wide public utility easement, parallel to and abutting the public street right-of-way.
3. The final map shall include an irrevocable offer of dedication to the City of Hayward, for a 24-foot-wide public utility easement within the private drive. (Water & sanitary sewer).
4. Prior to the approval of the final map, all documents to be recorded with the final map shall have been approved by the City Engineer. Any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
5. The final map shall indicate the easements necessary to allow the homeowners association to maintain all landscape and irrigation areas except for the private yards located at the rear of each unit.

Conditions, Covenants, and Restrictions

6. The applicant/developer shall establish a homeowners' association, or some alternate mechanism acceptable to the City, and prepare project CC&R's for the development which shall be reviewed and approved by the Director of Community and Economic Development/Planning Director and include the following conditions:
 - a. A requirement that a Homeowners' Association Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs;
 - b. The homeowners' association shall be required to maintain the planters, walls and fences on the property in good repair and free of graffiti;

applicant/developer to comply with Federal, State and local water quality standards and regulations.

15. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
16. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and Water Conservation District. The proposed curb elevations are not to be less than 1.25 feet above the hydraulic grade line, as shown in Figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line. The storm drain system shall be approved by the Alameda County Flood Control and Water Conservation District and the City Engineer.
17. The drainage system design shall use the Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition, to determine storm drainage runoff. The drainage system shall be designed to accommodate the run-off associated with a 10-year-storm.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

18. Required water system improvements shall be completed and operational prior to the start of combustible construction;
19. Emergency vehicle access shall be maintained via a minimum 24-foot-wide all-weather access road engineered for 50,000 pound gross vehicle weight.

DURING CONSTRUCTION

20. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:
 - a. Grading and construction activities shall be limited to the hours 7:00 AM to 7:00 PM daily except Sundays and holidays. On Sundays and holidays construction activities shall be limited to the hours of 10:00 a.m. to 6:00 p.m.
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

26. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
27. An AC overlay along O'Neil Avenue will be required by the City Engineer to repair any pavement damage resulting from construction traffic.
28. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, TCI, etc;
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.
29. The private street shall be posted with signage that states "No Outlet."



CITY OF HAYWARD
NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

SITE PLAN REVIEW APPLICATION NO. 98-130-11/TRACT 7040 - PERILLO INVESTMENTS (APPLICANT/ OWNER) - Request to develop a 0.82-acre site with 10 two-bedroom and 4 three-bedroom townhomes within five buildings (4 duplexes and 1 sixplex) and request to subdivide one parcel totaling 0.82 acre into 14 residential condominium units within five two-story buildings with 14 double-car garages and 16 open standard-size parking spaces.

The site is located at 24709 O'Neil Avenue, westerly side, approximately 430 feet north of Orchard Avenue within the RH-SD2 (High Density Residential-Special Design No. 2 Overlay) District.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

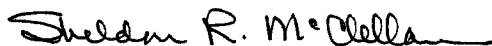
The proposed project will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

1. The project site is outside the Earthquake Hazard Zone. A soils investigation report will be required prior to issuance of a building permit.
2. CEQA Evaluation: The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment.
3. The proposed development of 14 condominium units is in conformance with the General Policies Plan Map designation of "Residential High Density" and with the Mission Foothills Neighborhood Plan.
4. The proposed project is in conformance with the intent and purpose of the Zoning Ordinance designation of "High Density Residential District" for the property.

5. The proposed site plan layout provides proper access, circulation and parking for project tenants and visitors; trash and recycling storage areas are provided and there is adequate area for landscaping and private open space.
6. The provision of parking within the project meets the required ratio of 2.1 spaces per unit
7. The proposed project provides more than double the amount of required usable open space, and since the project is a part of a larger development that makes provision of on-site recreation facilities (recreation building, swimming pool, spa, and tot lot), demand of project tenants on neighborhood park facilities will be lessened.
8. There is no evidence of historical or archaeological resources within the project area.
9. The project is not within an area subject to flooding.
10. Public facilities and utilities are adequate to serve the project.

IV. PERSON WHO PREPARED INITIAL STUDY:



Sheldon R. McClellan
Senior Planner

Dated: September 2, 1998

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4215.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: Site Plan Review Application No. 98-130-11 & Tentative Map Tract 7040

Lead agency name and address: City of Hayward, 777 B Street, Hayward, CA 94545

Contact persons and phone number: Sheldon R. McClellan, Senior Planner (510) 583-4215

Project location: 24709 O'Neil Avenue, westerly side, approximately 425 feet north of Orchard Ave

Project sponsor's name and address: Perillo Investments, 5337 College Avenue, Suite 327, Oakland, California 94618

General Plan designation Zoning: Residential - High Density Zoning: RH-SD2 (High Density Residential-Special Design No.2 Overlay) District

Description of project: Request to develop the 0.82-acre site with 10 two-bedroom and 4 three bedroom townhomes within five buildings (4 duplexes and 1 sixplex). Request to subdivide one parcel totaling 0.82 acre into 14 residential condominium units within five-two-story buildings with 14 single-car garages and 16 open standard-size parking spaces.

Surrounding land uses and setting:

The area is characterized with a mixture of single-family and multi-family residential units. Single-family residences are located to the north and south of the property. The Union Pacific Railroad tracks are located to the west and are only slightly elevated above the property grade. Across O'Neil Avenue are other single-family dwellings and the rear parking area behind the Toyota dealership.

Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Sheldon R. McClellan

Signature

August 19, 1998

Date

Sheldon R. McClellan

Printed name

For

ENVIRONMENTAL IMPACTS:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. *Would the proposal:*

- a) Conflict with general plan designation or zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The property is designated as Residential High Density on the General Policies Plan Map. The proposed medium-density residential project is consistent with this designation. The Mission-Foothills Plan and the General Policies Plan supports high density projects since it provides an area for multi-family housing close to the downtown and to the university above Mission Boulevard.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Be incompatible with existing land use in the vicinity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The project is consistent with other multi-family projects (e.g. Foothill Estates) which have been developed in the area. The front proposed townhouse units are designed as duplex-type structures to keep their mass down to better identify with the smaller adjacent dwellings located along the street.

- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: There are no agricultural resources or operations within this area of the City.

- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project site is an infill area of the Mission-Foothills Neighborhood Planning Area and the proposed development adds to area fabric rather dividing adjacent land use development.

II. POPULATION AND HOUSING. *Would the proposal:*

- a) Cumulatively exceed official regional or local population projections?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The proposed project represents only 14 units which will not exceed contemplated density allowed by the General Policies Plan designation and the zoning allowance in the area of the project.

- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The local infrastructure took into account a larger development area than what is being developed on the site. The surrounding area is fully developed, and therefore, the development of the subject site will not necessarily induce similar or larger projects in the area since vacant land is not available and the redevelopment of developed sites would have to take into account land assemblage and removal of existing development.

- c) Displace existing housing, especially affordable housing?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site is vacant and no existing housing will be displaced.

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- a) Fault rupture?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The property is outside the Hayward Special Studies Fault Zone. The site is approximately 1,600 feet west of the Hayward Fault trace, and 800 feet west of the special study zone.

- b) Seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The site will be subject to violent ground shaking in the event of a major earthquake on the Hayward Fault. The project will be reviewed for proximity to the Hayward Fault, and areas of high seismic risk.

- c) Seismic ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Liquefaction and differential compaction is not considered to be serious problem to this property.

d) Seiche, tsunami, or volcanic hazard?

☐
☐
☐
☒

e) Landslides or mudflows?

☐
☐
☐
☒

Comment: The site is not in a hill area or subject to mudflows.

f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

☐
☐
☐
☒

Comment: The site is being retained as a flat site and grading will be minimal.

g) Subsidence of land?

☐
☐
☐
☒

h) Expansive soils?

☐
☐
☐
☒

Comment: Prior to issuance of a building permit, engineering and building staff will review a geologic and soils investigation report to design adequately the building foundations for the soil type on the property.

i) Unique geologic or physical features?

☐
☐
☐
☒

IV. WATER. *Would the proposal result in:*

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

☐
☐
☐
☒

Comment: The development of the site is not anticipated to significantly change the absorption rate of what previously occurred on the property when the site was developed with industrial uses (e.g. large buildings and parking lot pavement.)

b) Exposure of people or property to water related hazards such as flooding?

☐
☐
☐
☒

Comments: The site is not known to be subject to flooding. The site is not within a 100-year flood zone.

	Poten. Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The site contains no water body.

e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Approximately 22 percent of the site is to be covered with building structure that will not significantly alter the amount of ground water absorption. No wells or water withdrawal from the aquifer is proposed.

g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Storm drainage facilities will be required in all paved areas of the project which will be connected to the bay. Fossil fuel filters will be required to prevent oil and other material from going into the ground water supply.

i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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V. AIR QUALITY. *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments: The proposed project will be required to comply with all applicable requirements of the

Bay Area Quality Management District. The developer will be required to develop and implement appropriate dust control measures during construction, if found required. The project is not likely to create objectionable odors, or alter air movements, moisture, temperature or cause any change in climate. Implementation of the required conditions of approval will reduce any identified impacts to a non-significant level.

- d) Create objectionable odors?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VI. TRANSPORTATION/CIRCULATION. *Would the proposal result in:*

- a) Increased vehicle trips or traffic congestion?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The proposed project is not expected to significantly increase vehicle trips or cause traffic congestion. There may be a temporary increase in traffic due to construction movement, but would not constitute a significant impact. All proposed development will be reviewed for conformance with applicable codes and policies, adequacy of emergency access and sufficient parking on site.

- b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Inadequate emergency access or access to nearby uses?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The Fire Department has reviewed the project plans and finds the project, as conditioned, acceptable to Fire Department requirements and standards. Proposed roadways are of sufficient width to provide access to their emergency vehicles.

- d) Insufficient parking capacity onsite or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The project provides a ratio of 2.1 parking spaces per unit which meets the City standard.

- e) Hazards or barriers for pedestrians or bicyclists?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potent. Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to*

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The site is developed and no known endangered, threatened or rare species or their habitats is known to exist on the property.

b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The site is vacant and does not contain any significant landscaping except several fruit trees which are proposed to be removed since they are not in good condition. Replacement landscaping will be required in conjunction with the overall landscape plan of the project.

d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not conflict with adopted City of Hayward energy conservation plans.

b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site will receive electrical power from Pacific, Gas & Electric.

- | | Potent.
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No Impact |
|---|----------------------------------|--|------------------------------------|-------------------------------------|
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: This site is located in an area that is zoned for residential development. Mineral resources are not known to exist in this area.

IX. HAZARDS. *Would the proposal involve:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: This is a residential development.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Possible interference with an emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project does not have the potential to interfere with an emergency response or evacuation plan. Fire, Police and other emergency vehicles will be able to access the 14 multi-family homes

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) The creation of any health hazard or potential health hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will meet City of Hayward and Uniform Fire Code standards that mitigate potential health and safety hazards.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Exposure of people to existing sources of potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will meet City of Hayward and Uniform Fire Code standards that mitigate potential health and safety hazards.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The project will not introduce flammable brush, grass, or trees A landscape plan will be approved and a condition of approval requires the residential development to be kept free of weeds and that the landscaping is to be maintained.

	<i>Potent. Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Fourteen homes will require to be added to the exiting postal route.

XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?

a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project conditions of approval require adequate solid waste disposal and participation in the City of Hayward recycling program is required. A solid waste disposal company services the area that the project is located.

g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Existing facilities are adequate to accommodate the project.

XIII. AESTHETICS. *Would the proposal?*

- a) Affect a scenic vista or scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Project is not located near a scenic vista or scenic highway.

- b) Have a demonstrable negative aesthetic effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not have a demonstrable negative aesthetic effect.

- c) Create light or glare?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project will not result in a new source of light or glare.

XIV. CULTURAL RESOURCES. *Would the proposal:*

- a) Disturb paleontological resources?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: None are known to exist on the site.

- b) Disturb archaeological resources?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No paleontological or archaeological resources are known to exist on the property. The site was previously developed with Industrial structures.

- c) Have the potential to cause a physical change which would affect unique cultural values?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d) Restrict existing religious or sacred uses within the potential impact area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XV. RECREATION. *Would the proposal:*

- a) Increase the demand for neighborhood or regional parks or other recreational facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: While the project will increase the residential population within the area, the project will include private usable open space areas which are provided in rear yards behind each townhouse.

- b) Affect existing recreational opportunities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐ ☐ ☐ ☒

- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

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- c) Does the project have impacts that individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).

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- d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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DRAFT

ORDINANCE NO. _____

mal
12/11/01

AN ORDINANCE AMENDING THE ZONING DISTRICT
MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD
MUNICIPAL CODE BY REZONING CERTAIN TERRITORY
LOCATED ON O'NEIL AVENUE PURSUANT TO ZONE
CHANGE APPLICATION NO. 2001-0193

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS
FOLLOWS:

Section 1. Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located at 24709 O'Neil Avenue, in the Mission-Foothills Neighborhood, from RH-SD2 (High-Density Residential-Mission Corridor Special Design Overlay District) District to PD (Planned Development) District.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ____ day of _____, 2001, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the ____ day of _____, 2001, by the following votes of members of said City
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

Whe
12/11/01

**RESOLUTION APPROVING ZONE CHANGE APPLICATION
NO. PL 2001-0193 TO REZONE PROPERTY LOCATED AT
24709 O'NEIL AVENUE AND APPROVING 12-MONTH
EXTENSION OF TENTATIVE TRACT MAP 7040**

WHEREAS, on November 12, 1998 the City Council of the City of Hayward approved Site Plan Review 98-130-11 and Tentative Tract Map 7040 concerning a request to construct 14 residential condominium units consisting of 5 three-story buildings on a 0.8 acre parcel located at 24709 O'Neil Avenue; and

WHEREAS, on November 2, 2000, the applicant requested and the Planning Commission approved a 12-month extension of the tentative map; and

WHEREAS, Zone Change Application No. PL 2001-0193 concerns a request by the applicant to rezone the Property from RH-SD2 (High-Density Residential-Mission Corridor Special Design Overlay District) to PD (Planned Development) District in order to change the project from condominium units to townhouse-style units by creating lot lines to match the footprint of each of the dwelling unit and private yard areas; and

WHEREAS, in conjunction with the zone change application, the applicant has requested an additional 12-month extension of the tentative map; and

WHEREAS, a mitigated negative declaration was certified for the original project approval pursuant to CEQA; the project involves only minor changes; and environmental conditions have not changed; and

WHEREAS, on November 1, 2001, the Planning Commission recommended approval of the zone change and the extension of the tentative tract map; and

WHEREAS, the City Council hereby finds and determines that:

1. A mitigated negative declaration was certified for the original project approval pursuant to CEQA guidelines. Since the project involves only minor changes and the environmental conditions have not changed, no further CEQA action is necessary.
2. The development is in substantial harmony with the surrounding area and

conforms to the General Plan, the Mission-Foothills Neighborhood Plan and applicable City policies by providing housing opportunities and enhancing neighborhood quality.

3. Existing and proposed streets and utilities will be adequate to serve the development.
4. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.
5. The modifications to the project are in substantial conformance with the Site Plan Review (SPR 98-130-11), the original approval for the project.
6. Any latitude or exception (s) to development regulations or policies is adequately offset or compensated by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The project provides attractive ownership housing with adequate parking for residents and guests and private open space for the enjoyments of the residents.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the 12-month extension for Tentative Tract Map 7040 and Zone Change Application No. PL 2001-0193, subject to the modified conditions of approval attached hereto as Exhibit "A".

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward